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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,898	11/18/2003	Hideki Kurokawa	037267-0150	2796

22428 7590 02/09/2007
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/714,898

Applicant(s)

KUROKAWA ET AL.

Examiner

Dai A. Phuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-79 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-14, 30-40 and 53-60, drawn to a wireless communication system including a radio-signal base station, and at least one mobile wireless terminal which operates in a power-saving mode in which said mobile wireless terminal intermittently receives packet signals, and in a normal mode in which said mobile wireless terminal regularly receives packet signals, wherein when said radio-signal base station receives packet signals addressed to a mobile wireless terminal being in said power-saving mode, said radio-signal base station temporarily stores the received packet signals until said mobile wireless terminal requests said radio-signal base station to transmit said packet signals thereto, and *said mobile wireless terminal requests said radio-signal base station to transmit said packet signals thereto, receives a part of said packet signal from said radio-signal base station*, and, if said mobile wireless terminal judges that it would be necessary to carry out real-time communication for receiving entirety of said packet signals, said mobile wireless terminal transfers to said normal mode from said power-saving mode for receiving entirety of said packet signals, classified in class 370, subclass 311.
 - II. Claims 15-29, 41-52 and 66-79, drawn to a wireless communication system including a radio-signal base station, and at least one mobile wireless terminal which operates in a power-saving mode in which said mobile wireless terminal

intermittently receives packet signals, and in a normal mode in which said mobile wireless terminal regularly receives packet signals, wherein when said radio-signal base station receives packet signals addressed to a mobile wireless terminal being in said power-saving mode, said radio-signal base station temporarily stores the received packet signals until said mobile wireless terminal requests said radio-signal base station to transmit said packet signals thereto, and

said mobile wireless terminal requests said radio-signal base station to transmit said packet signals thereto and transfers to said normal mode from said power-saving mode, if said mobile wireless terminal judges that the received packet signals are packet signals to be received in real-time communication, said mobile wireless terminal receives entirety of said packet signals in said normal mode, and said mobile wireless terminal transfers to said power-saving mode when said packet signals have been all received in real-time communication, classified in class 370, subclass 395.4.

2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are distinct, each from the other because of the following reason: invention I which discusses to *said mobile wireless terminal requests said radio-signal base station to transmit said packet signals thereto, receives a part of said packet signal from said radio-signal base station*, while invention II which discusses to *said mobile wireless terminal requests said radio-signal base station to transmit said packet signals thereto and transfers to said normal mode*

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from said power-saving mode. Note each group has different functions, i.e., different parameters. Thus, the search area of group I is different from the search area of group II.

3. A telephone call was made to David A. Blumental on 01-31-2007 to request an oral election to the above restriction requirement, but the examiner was unable to reach the attorney, David A. Blumental.

4. Application is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143)


5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A. Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date : 01-31-2007


DUC M. NGUYEN
SUPERVISORY PRIMARY EXAMINER
TECHNOLOGY CENTER 2600